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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KATHY E. WOODS,)	No. C 07-3196 EMC
)	
Plaintiff,)	SUGGESTION OF DISMISSAL;
)	[PROPOSED] ORDER
v.)	
)	—
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	
)	
)	

The Federal Defendant hereby specially appears to suggest that the Court order Plaintiff to show cause why this action should not be dismissed for failure to serve pursuant to Fed. R. Civ. P. 4(m). Plaintiff served the United States Attorney's Office with her December 14, 2007 Notice of Change of Email Address (Dkt. No. 6), which was the first that the United States

Attorney's Office learned of the case. A review of the docket indicates that the complaint was filed on June 18, 2007 (more than 120 days ago), and the summons was issued on July 25, 2007, but there is no indication that the summons and complaint were ever served on the government, as required by Fed. R. Civ. P. 4(i). The United States Attorney's Office has no record of being served with the summons and complaint, or any other filings in this case other than the December 14, 2007 Notice of Change of Email Address.

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

DATED: December 19, 2007

By: /s/
SARA WINSLOW
Assistant United States Attorney

[PROPOSED] ORDER

The complaint in this case was filed on June 18, 2007. Fed. R. Civ. P. 4(m) required that Plaintiff serve Defendant with the summons and complaint within 120 days. More than 120 days have passed, and it appears that Plaintiff has failed to serve Defendant with the summons and complaint. Plaintiff is HEREBY ORDERED to show cause, in writing, by January 18, 2008, why this case should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

DATED: January 2, 2008

